IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

LA.App..No. 316 of 2006(D)

LAR.253/1999 of PRINCIPAL SUB COURT,PARAVUR
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APPELLANT/CLAIMANTS:
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1. **VARGHESE, S/O. ANTONY,**
   POOVELY HOUSE, NAYATHODE,
   NEDUMBASSERY, ANGAMALLY.

2. **PETER, S/O. ANTONY, POOVALY HOUSE,**
   NAYATHODE, NEDUMBASSERY, ANGAMALLY.

BY ADV. SRI.N.ANILKUMAR

RESPONDENTS/RESPONDENTS:
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1. **STATE OF KERALA, BY GOVESRNMENT PLEADER**
   HIGH COURT OF KERALA.

2. **KOCHI INTERNATIONAL AIRPORT SOCIETY**
   REP. BY MANAGING DIRECTOR, NEDUMBASSERY.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ
ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.
SMT.T.N.GIRIJA, SC, COCHIN I AIRPORT LT

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 316 OF 2006

Dated this the 3rd day of October, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed by the claimants against the judgment and decree in L.A.R. No. 253/1999 on the file of Principal Sub Court, North Paravur.

2. The grievance is limited to the claim for value of structures. The Land Acquisition Officer fixed the value of structures at Rs. 6,92,100/-. The appellants had a claim for Rs.20,31,870.76/- based on Exhibit C1 report of the Advocate Commissioner in O.S. No. 450/1997 which was proved through AW2.

3. This Court in judgment dated 02.07.2003 in L.A.A. No. 295/2002 has already held that the report of the Advocate Commissioner has to be accepted in evidence. It is significant to note that the report of the Advocate Commissioner referred to in the said judgment is the very same report in this case also, since the appellants had taken out a joint commission for two claims. This Court in the above appeal reduced 15%

towards depreciation, on the value fixed by the Advocate Commissioner. It is seen that in this appeal the claimants have reduced 30% towards depreciation. Still further for the purpose of valuation the appellants have limited their claim to Rs. 8,65,320/-.

In the above circumstances, we allow the appeal holding that the appellants shall be entitled to a further amount of Rs. 8,65,320/- towards value of structures and also the consequential statutory benefits.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp